

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Xavier MARZE

Continuing Prosecution Application of
Prior Application No.: 09/180,477
Filed: February 5, 1999

For: PROTECTION AGAINST
TERMITES



) Group Art Unit: 1617
)
) Examiner: Neil S. Levy
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)
)

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LETTER ACCOMPANYING FILING UNDER 37 C.F.R. §1.53(d)
WITHOUT PAYMENT OF FILING FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The accompanying Continuing Prosecution Application is being filed without payment of the filing fee. Applicants request issuance of a Notice to File Missing Parts of Application.

The application is being filed in this manner to allow time for applicants' representatives to consider whether amending the claims prior to examination is appropriate and, if it is, to allow time for a Preliminary Amendment with amended claims to be considered by the Examiner before issuance of an Official Action.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

Post Office Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: October 13, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Prior Application No: 09/180,477

Examiner: Neil S. Levy

Art Unit: 1617

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**REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)**

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/180,477, filed on February 5, 1999, for PROTECTION AGAINST TERMITES by the following named inventor(s):

- (a) Full Name Xavier MARZE
- (b) Full Name _____
- (c) Full Name _____

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the



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drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

1. ☐ Enter the amendment previously filed on __ under 37 C.F.R. § 1.116, but unentered, in the prior application.
2. ☐ The election made previously in the prior application does not carry over to this application.
3. ☐ A preliminary amendment is enclosed.
4. ☐ Small entity status is hereby claimed.
5. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 3 above:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	71	MINUS 20 =	51	× \$18.00 (103) =	918.00
Independent Claims	1	MINUS 3 =	0	× \$80.00 (102) =	0.00
If multiple dependent claims are presented, add \$270.00 (104)					0.00
Total Application Fee					1,628.00
If small entity status is claimed, subtract 50% of Total Application Fee					0.00
TOTAL APPLICATION FEE DUE					\$1,628.00

6. ☒ **This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.**
7. ☐ A check in the amount of \$ _____ is enclosed for the fee due.
8. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
9. ☐ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

10. ☒ Priority of Application No. 96/06179, filed on May 10, 1996, in France (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority application
- ☐ is enclosed
- ☒ was received by the International Bureau on June 9, 1997 in connection with International Appln. No. PCT/FR97/00816, of which Application No. 09/180,477 is the U.S. national phase.
- ☐ has not yet been filed.
11. ☒ Also enclosed are a PETITION FOR EXTENSION OF TIME for prior Application No. 09/180,477, filed February 5, 1999, and a LETTER ACCOMPANYING FILING UNDER 37 C.F.R. §1.53(d).
12. ☒ The power of attorney in the prior application is to all partners of BURNS, DOANE, SWECKER & MATHIS, L.L.P., and Mary Katherine Baumeister, Registration No. 26,254.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney or Agent _.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Mary Katherine Baumeister
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: October 13, 2000

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

ADDRESS OF SIGNATOR:

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- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)